

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-7, 9-15, and 17-35 are pending.

Amendment to the Claims

Claims 1-7, 9-15, and 17-35 have been examined, with Claims 5-7, 13-15, and 24 indicated as being allowable. Applicants have amended Claims 1, 6, 7, 9, 14, 15, and 17, and canceled Claims 5, 13, and 25.

Claims 1 and 9 have been amended to include the limitations of Claims 5 and 13, respectively. Thus, Applicants respectfully request cancellation of Claims 5 and 13.

Claim 17 has been amended to include the limitations of Claim 25. Thus, Applicants respectfully request cancellation of Claim 25. Claim 17 has been further amended to include the limitations of the garment being more liquid-permeable in the crotch area than in the rest of the garment, and the crotch area of the containment flaps being more liquid-permeable than the rest of the containment flaps. Support for these limitations is provided in the specification, for example at page 13, lines 14-16, and at page 14, line 22.

Claims 6 and 7 have been amended to depend from Claim 1. Similarly, Claims 14 and 15 have been amended to depend from Claim 9, and Claims 26-32, 34, and 35 have been amended to depend from Claim 17.

No new matter has been added by this Amendment. No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims has been reduced.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1, 9, 17, and 21 under 35 U.S.C. §102(b) as being anticipated by Jessup (U.S. Patent No. 5,545,158) is respectfully traversed.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Jessup does not disclose each and every element or limitation of currently amended Claims 1, 9, and 17. More particularly, Jessup fails to disclose or suggest an absorbent garment that is more liquid-permeable in a crotch region than in the rest of the garment.

For at least this reason, Applicants respectfully submit that Claims 1, 9, and 17 are not anticipated by Jessup. Because Claim 21 depends from Claim 17, Claim 21 is also not anticipated by Jessup. Thus, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103

A. Jessup

The rejection of Claims 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over Jessup (U.S. Patent No. 5,545,158) is respectfully traversed.

As explained above, Jessup fails to disclose or suggest an absorbent garment that is more liquid-permeable in a crotch region than in the rest of the garment, as recited in amended Claim 17. Claims 22 and 23 depend from Claim 17.

For at least the reasons given above, Applicants respectfully submit that the teachings of Jessup fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

B. Jessup in view of Good et al.

The rejection of Claims 2-4, 10-12, and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Jessup in view of Good et al. (U.S. Patent No. 5,843,056) is respectfully traversed.

Neither Jessup nor Good et al., nor the combination thereof, discloses or suggests an absorbent garment that is more liquid-permeable in a crotch region than in the rest of the garment, as recited in the independent claims from which Claims 2-4, 10-12, and 18-20 depend. Additionally, Good et al. disclose a nonwoven facing layer of a backsheet that has a hydrohead value of at least about 50 cm (19.68 inches). Consequently, the nonwoven facing layer in the backsheet of Good et al. is

liquid-*permeable* to liquids having a hydrostatic pressure greater than about 19.68 inches, and is liquid-*impermeable* to liquids having a hydrostatic pressure less than about 19.68 inches. Thus, the threshold in Good et al. is a much greater threshold than Applicants' recited limitations of an outer cover that is liquid-permeable to liquids having a hydrostatic pressure greater than about 1 inch, or greater than about 2 inches, or greater than about 5 inches.

For at least the reasons given above, Applicants respectfully submit that the teachings of Jessup in view of Good et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

C. Jessup in view of Buell

The rejection of Claims 25 and 29-35 under 35 U.S.C. §103(a) as being unpatentable over Jessup in view of Buell (U.S. Patent No. 5,085,654) is respectfully traversed.

Neither Jessup nor Buell, nor the combination thereof, discloses or suggests an absorbent garment that is more liquid-permeable in a crotch region than in the rest of the garment, as recited in amended Claim 17 from which Claims 25 and 29-35 depend.

For at least the reasons given above, Applicants respectfully submit that the teachings of Jessup in view of Buell fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

D. Jessup in view of Buell and further in view of Good et al.

The rejection of Claims 26-28 under 35 U.S.C. §103(a) as being unpatentable over Jessup in view of Buell as applied to Claim 25 above, and further in view of Good et al. is respectfully traversed.

Neither Jessup nor Buell nor Good et al., nor the combination of any of these references, discloses or suggests an absorbent garment that is more liquid-permeable in a crotch region than in the rest of the garment, as recited in amended Claim 17 from which Claims 26-28 depend.

For at least the reasons given above, Applicants respectfully submit that the teachings of Jessup in view of Buell and further in view of Good et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that Claims 5-7, 13-15, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended Claims 1 and 9 to include the limitations of Claims 5 and 13. Since amended Claims 1 and 9 are essentially the independent forms of Claims 5 and 13, respectively, Applicants believe that Claims 1 and 9 and all claims depending therefrom are now in allowable form. Additionally, since Claim 17 has also been amended to include the limitation of the garment being more liquid-permeable in a crotch region than in the rest of the garment, Applicants believe that Claim 17 and all claims depending therefrom are now in allowable form.

Conclusion

Applicants believe that this case is now in condition for allowance. If the Examiner feels that any issues remain, then Applicants' undersigned attorney would like to discuss the case with the Examiner. The undersigned can be reached at (847) 490-1400.

Respectfully submitted,



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